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|-------------------------------|------------------------|--|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                               | 09/551,760             |  | PROCTOR, RICHARD J. |  |
|                               | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                               | Gregory B Sefcheck     |  | 2662                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the request for continued examination filed 9/17/2004.
2. ☒ The allowed claim(s) is/are 72-106, respectively renumbered 1-35.
3. ☒ The drawings filed on 30 January 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>7/31/2003</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

**EXAMINER'S COMMENT/REASONS FOR ALLOWANCE**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 9/17/2004 has been entered.

**Examiner's Note:** The Allowance mailed 10/19/2004 was mailed before the Request for Continued Examination (RCE) filed 9/17/2004 was processed and forwarded to the Examiner. The allowance has been withdrawn so that the RCE could be considered.

During subsequent examination, relevant art has been newly found, which has been cited on the attached PTO-892 form. The newly found references do not qualify as prior art, therefore, claims 72-106 are allowed, as shown below.

***Allowable Subject Matter***

2. Claims 72-106 allowed.

- In regards to Claims 72, 82, 88, 98, and 106,

The prior art of record does not teach or fairly suggest a bus for communicating data in asynchronous transfer mode (ATM) form and data in adaptation layer type 2 (AAL2) form between a common device and higher layer devices, the bus including lines for carrying data and control signals, the data in AAL2 form including an AAL2 mini-cell associated with a means of identification of at least one of a source and a destination of the mini-cell and the devices including discrimination means for discriminating between the two forms of data traffic.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

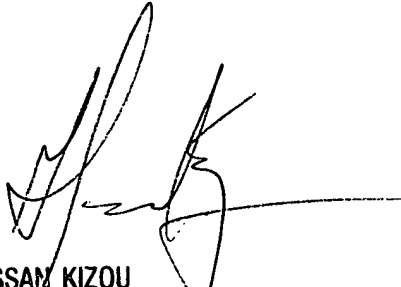
- Subbiah (US 6801542B1) discloses a method and apparatus for providing an interworking unit between ATM networks and IP networks
- Wakizaka (US 6639916B1) discloses AAL receiving circuit and method of processing ATM cells
- Murakami et al. (US 6603767B1) discloses a cell exchanging device
- Dempo (US 6594267B1) discloses an AAL2 packet exchange device
- Brueckheimer et al. (US 6574224B1) discloses processing communication traffic

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory B Sefcheck whose telephone number is 571-272-3098. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GBS  
3-16-2005



HASSAM KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

**Notice of Allowability**

Application No.

09/551,760

Examiner

Joe Logsdon

Applicant(s)

PROCTOR, RICHARD J.

Art Unit

2662

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1. ☒ This communication is responsive to the amendment filed 18 June 2004.
2. ☒ The allowed claim(s) is/are 72-106, renumbered 1-35, respectively.
3. ☒ The drawings filed on 1/26/04 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
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